

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

C. LEE DEMPSEY,

Plaintiff,

v.

MULBERRY STREET RESTAURANT,  
INC. and LAGRUTTA-RUSSO, L.L.C.,

Defendants.

Civ. Action No. 08-5391

**OPINION & ORDER**

**KATHARINE S. HAYDEN, U.S.D.J.**

This matter comes before the Court upon the Report and Recommendation (“R&R”) of Magistrate Judge Michael A. Shipp [D.E. 26] filed on June 22, 2010, recommending that this Court grant plaintiff’s motion to enforce the settlement agreement [D.E. 19]. No objections to the R&R have been filed by any party.<sup>1</sup>

When no objections are made to a magistrate judge’s R&R, the district court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Federal Rule of Civil Procedure (“Fed. R. Civ. P.”) 72(b), advisory committee notes; *see also Henderson v. Carlson*, 812 F.2d 874, 878-79 (3d Cir. 1987) (stating that “the failure of a party to object to a magistrate’s legal conclusions may result in the loss of the right to *de novo* review in the district court”).

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<sup>1</sup> Objections were due by July 6, 2010.

Magistrate Judge Shipp states that he “is persuaded that good cause exists to grant Plaintiff’s motion. During the proof hearing, it became clear that the parties freely entered into a confidential settlement agreement.” (R&R 2.) Plaintiff seeks the \$6,500 originally stipulated in the settlement agreement, as well as \$1,120 in attorney’s fees and costs. (*Id.*) The evidence adduced during the proof hearing satisfied Magistrate Judge Shipp “that the Plaintiff has made several good faith efforts to communicate with the Defendant with regards to his non-compliance.” (*Id.*) “It is also the understanding of this Court that the Defendant never communicated to Plaintiff that he was making a good faith effort to comply with the terms of the Agreement. Further, Defendant’s counsel reached out to Defendant on numerous occasions in [an] attempt to secure payment pursuant to the Agreement.” (*Id.*) Magistrate Judge Shipp recommends granting plaintiff’s motion and entering judgment in the amount of \$7,620.

The Court is satisfied that there is no clear error on the face of the record to warrant denial of the R&R, and accordingly will adopt it. Good cause appearing,

**IT IS** on this 23<sup>rd</sup> day of August, 2010, hereby

**ORDERED** that the Report and Recommendation of Magistrate Judge Shipp [D.E. 26] is adopted in its entirety.

/s/Katharine S. Hayden

Katharine S. Hayden, U.S.D.J.